

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GREAT AMERICAN INSURANCE COMPANY,

Plaintiff,

-against-

ORDER

12 CV 4847 (DRH) (ARL)

GOLD COAST EXPRESS INC., et al.,

Defendant.

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HURLEY, Senior District Judge:

Great American Insurance Company (“plaintiff”) commenced this interpleader action to resolve competing claims to the proceeds of a \$10,000 bond issued by plaintiff on behalf of defendant Gold Coast Express, Inc. (“Gold Coast”). Many of the named defendants (“defaulting defendants”) failed to appear in the action, and plaintiff currently seeks a default judgment against them¹ and a judgment pursuant to Federal Rule of Civil Procedure (“Rule”) 54(b) that the defaulting defendants are not entitled to any relief under the bond at issue.

After the defendants’ default was noted by the Clerk of the Court pursuant to Rule 55(a),

¹ The defaulting defendants are as follows: Gold Coast Express Inc.; Greatwide American Trans-Freight, LLC; ABC Transport LLC, Aleksandr I. Yatchuk d/b/a AL-EX Transportation; R.B. Humphreys, Inc.; Juan Alcalde d/b/a Triplets Transport; A&R Logistics LLC; George E. Huntley; I&J Transport Services, Inc.; Challenge Trucking LLC; Paul Allan Morgan d/b/a Works 2 Wheel Transport; KYS Express, Inc.; Bill’s Trucking Service, Inc.; Speedway Express, Inc.; Kiswani Trucking, Inc.; CTL Express LLC; North Florida Hauling, LLC; Rapid Response Inc.; Hauling Inc.; Blaine Evans Trucking Inc.; Go Trucking Services, Inc.; Cook Logistics, LLC; Wehunt Contract Hauling, Inc.; Reliance Transportation, Inc.; GGS Transport, Inc.; Taylor Truck Line Inc.; Rosedale Transport Inc.; Express Roadside Assistance, Inc.; Viktor Palukoshka d/b/a VIK Transport; Hempel Transportation, LLC; Buchanan Hauling & Rigging Inc.; Master Trucking, LLC; J.C.’s Xpress Transport Solutions, LLC; Graval Corporation; AD Trucking Inc.; University Towing & Transport, Inc.; Road King Unlimited Inc.; Admiral Merchants Motor Freight, Inc.; Werner, LLC; Northern Lights Specialized, LLC; E and V Services, Inc.; Zen Transport, Inc.; Samuel J. Wallis d/b/a Wallis Flats, Inc.; B S L Express, Inc.; Maximum Speed Transportation Inc.; Sammons Transportation Inc.; J.H. Sims Trucking Company, Inc.; Pro-Trans Logistics Inc.; Apex Capital Corporation; Baxter, Bailey & Associates, Inc.; Comdata Network, Inc.; Sunbelt Finance, LLC; and First Bank & Trust d/b/a Firstline Funding Group.

plaintiff moved for entry of a default judgment under Rule 55(b). On May 12, 2014, this motion was referred to United States Magistrate Judge Arlene R. Lindsay to issue a Report and Recommendation as to whether plaintiff demonstrated that default judgment and judgment under Rule 54(b) is appropriate against the defaulting defendants.

On February 17, 2015, Judge Lindsay issued a Report and Recommendation which recommended that a default judgment be entered against the defaulting defendants and that plaintiff “is entitled to a judgment that the defaulting defendants are not entitled to any relief under the bond.” (Report and Recommendation at 6.) More than fourteen days have elapsed since service of the Report and Recommendation and no party has filed an objection.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the February 17, 2015 Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Therefore, the Court adopts the Report and Recommendation of Judge Lindsay as is set forth therein. Accordingly, the Court hereby directs that the clerk of the Court enter default judgment in favor of plaintiff and against defaulting defendants and enter judgment that defaulting defendants are not entitled to any relief under the bond.

SO ORDERED.

Dated: Central Islip, New York
March 10, 2015

_____/s/
Denis R. Hurley
United States District Judge